

REMARKS

Claims 1-4, 6, 13-15, 23-26, 31, 32, 36 and 37 are currently pending with claims 1-4 being independent. Claims 17, 18, 21, 22, 27 and 28 have been canceled by this amendment.

The pending claims have been rejected as unpatentable over Yamazaki (US 2002-0057055) in view of Kitamura (JP 07-292459) and Song (US 6,872,473).

Claim 1 recites an electroluminescent film disposed between first and second electrodes that are themselves disposed between a mixed film containing fluoroplastics and metallic oxide that is formed over the second electrode, and a second insulating film that comprises fluoroplastics and is under the first electrode.

As acknowledged in the rejection, Yamazaki does not describe either the mixed film containing fluoroplastics and metallic oxide or the second insulating film that comprises fluoroplastics. Instead, Yamazaki describes a buffer layer 107 containing silicon formed over the second electrode and a second insulating film 712 also comprising silicon under the first electrode.

The rejection argues that it would have been obvious to replace Yamazaki's silicon buffer layer 107 with a mixed film containing fluoroplastics and metallic oxide and the silicon of Yamazaki's second insulating film 712 with fluoroplastics because Song discloses an EL device protected with a film (400) containing fluorine over an electroluminescent film (300), and because Kitamura, at paragraph [0105], describes a mixed film containing fluoroplastics and metallic oxide as being used as an external protective coating for devices such as a lens, a mirror, or an automobile.

Applicant requests reconsideration and withdrawal of this rejection because, absent impermissible hindsight reconstruction of the invention, nothing in Kitamura or Song would have led one of ordinary skill in the art to replace Yamazaki's second insulating film 712, which is under the electroluminescent film, with fluoroplastics, as both Kitamura and Song, at best, describe using a fluoroplastic over an electroluminescent film.

Applicant also again requests reconsideration and withdrawal of this rejection for the additional reason that there would have been no motivation to replace Yamazaki's buffer film

107 with Kitamura's mixed film containing fluoroplastics and metallic oxide in the manner set forth in the rejection. In particular, as set forth in paragraph [0107] of Yamazaki, the silicon nitride buffer film may be formed under the protective film 406. Thus, the silicon nitride buffer film is an internal layer of Yamazaki's device. By contrast, Kitamura, at paragraph [0105], describes the mixed film containing fluoroplastics and metallic oxide as being used as an external protective coating for devices such as a lens, a mirror, or an automobile. Nothing in Kitamura's description of such an external coating for devices such as a lens, a mirror or an automobile would have led one of ordinary skill in the art to modify Yamazaki's internal layer.

In response to this argument, the rejection indicates that Song discloses that fluoroplastics can be used as an internal protective layer and that Kitamura describes having fluoroplastics provide moisture protection. Even assuming that this argument is correct, that would have in no way led to the use of the particular mixed film of Kitamura as an internal layer.

The rejection also responds to the previous argument by asserting that the use of Kitamura's fluoroplastics layer to replace Yamazaki's device would not change the principle of operation of Yamazaki's device or render the device inoperable. Even assuming for sake of argument that this unsupported assertion is correct, whether the principle of operation would change or the device would be rendered inoperable cannot be used as the reason for determining that references may be properly combined. Rather, changing the principle of operation or rendering the device inoperable are reasons for establishing that the references may not be combined.

For at least these reasons, the rejection of claim 1 and its dependent claims should be withdrawn.

Like claim 1, each of independent claims 2-4 recites an electroluminescent film disposed between first and second electrodes that are themselves disposed between a mixed film containing fluoroplastics and metallic oxide and an insulating film that comprises fluoroplastics. Accordingly, the rejection of those claims and their dependent claims should be withdrawn for the reasons discussed above with respect to claim 1.


Applicant submits that all claims are in condition for allowance.

The fees in the amount of \$120 for the one month extension of time are being paid concurrently herewith on the electronic filing system (EFS) by way of deposit account authorization. Please apply any other charges or credits to deposit account 06 1050.

Respectfully submitted,

Date: _____

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